

III. REMARKS

By this amendment, claims 1, 3, 8-10, 17 and 22 have been amended and claim 16 has been canceled. As a result, claims 1-26 remain pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 3 and 16 are objected to for alleged informalities. Applicants have amended the claims to cure the alleged formalities. Claims 3-5, 8-9 and 22-26 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants have amended the claims to cure the alleged deficiencies. Claims 1-2, 6-7, 10-13 and 17-26 are rejected under 35 U.S.C. §103(a) as allegedly being anticipated by Liebermann (U.S. Patent No. 7,287,009 B1), hereafter “Liebermann,” in view of “Pagers Infiltrating” by Andy Pargh, hereafter “Pargh.” Claims 3-5 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Liebermann in view of Pargh and further in view of “Netcard set to bebut info kiosk” by Chooi Yew Tzen, hereafter “Tzen”. Claims 8-9 and 14-15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Liebermann in view of Pargh and Tzen and further in view of case law. Claim 16 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Liebermann in view of Pargh and Tzen and further in view of Official Notice.”

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejections, Applicants assert that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to newly amended independent claims 1, 10, 17 and 22, Applicants submit that the cited references fail to teach or suggest alerting a transactional clerk regarding the existence of the message via an audible signal. The Office admits that the cited references fail to teach contacting a transactional clerk but instead uses Official Notice, which Applicants object to. In addition, the cited references and/or the Official Notice fails to disclose that the alerting is done via an audible signal. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

Applicants further object to the Office's use of unsubstantiated factual references. For example, Applicants disagree with the Office's assertion that it would be obvious that an alert code would be appended or prepended to the transaction code. Rather, while the Office admits that Liebermann does not teach an alert code, the code in Pargh is in lieu of any other code, i.e., it stands on its own. As such, neither of the references suggests in any way merging a transaction code with an alert code. Accordingly, Applicants respectfully request that the Office provide references that support its unsubstantiated factual statement.

Further, Applicants disagree with the Office's assertion that it would be obvious to one of ordinary skill in the art that the message distribution center as disclosed by Hayes could be used to dispatch messages of all varieties. Rather, Hayes only deals with messages connected to the transaction. Accordingly, Applicants respectfully request that the Office support the findings with references that show these features or withdraw the rejections.

VI. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/

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